

November 6, 2007

Mr. John Conyers, Jr.
Chairman, Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

**TESTIMONY OF WILLIAM M. SOQUI, FIRE CHIEF
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TO THE SUBCOMMITTEE ON
CRIME, TERRORISM, AND HOMELAND SECURITY**

TUESDAY, NOVEMBER 6, 2007

Chairman Scott and Ranking Member Forbes and Members of the Subcommittee:

Thank you for the opportunity to come before you, the subcommittee on Crime, Terrorism, and Homeland Security and testify regarding H.R. 1759, Managing Arson Through Criminal History Act (MATCH) of 2007 introduced on March 29, 2007 by Congresswoman Mary Bono and Congressman Adam Schiff.

I come to you today as a Certified Fire Investigator in the American fire service, a California Fire Chief of a municipal Fire Department and a member and representative of the Riverside County Fire Chiefs Association whose members represent one of the seven counties in Southern California that was recently ravaged by the wind event and firestorm

and which is currently under local, state and federal disaster declarations.

The story of fire is older than man and when harnessed and used appropriately it has proved beneficial in providing shelter, comfort and a source for preparing food for consumption.

What I will testify to today is not the beneficial uses of fire but the misuse in the criminal act of arson which can kill, and terrorize people, threaten and destroy property and damage or destroy ecosystems and the environment.

Currently, two fires (the Santiago Fire in Orange County and the Buckweed Fire in Los Angeles County) have been determined to be the result of arson. Although some of the causes of recent fires have been determined, others are still being investigated.

Last year, on October 26, 2006, a vegetation fire was reported near the streets of Esperanza and San Gorgonio in the southeast section of the unincorporated community of Cabazon (Riverside County). This arson-caused fire quickly grew to several hundreds of acres in the following hours overtaking and killing five US Forest Service firefighters.

For a long time the perception by much of the general public is that arson is a victimless crime amounting to paper losses to be covered by insurance companies. The reality is that arson is a crime that affects everyone, by increasing insurance premiums, blighting our neighborhoods, killing hundreds annually, and physically and emotionally scarring the

victims of fire.

Nationally,

- Arson is the leading cause of fires in the United States and the second leading cause of death from fire (the first cause is careless smoking).
- An estimated 31,000 intentionally set structure fires occurred in 2006.
- 20% of arson fires involve vehicles, 30% involve structures and **50% occur outdoors.**
- Intentionally set fires in structures resulted in 305 civilian deaths.
- Intentionally set structure fires also resulted in \$755,000,000 in property loss.
- 20,500 intentionally set vehicle fires occurred, a decrease of 2.4% from a year ago, and caused \$134,000,000 in property damage, an increase of 18.6% from a year ago.
- Arson fires accounted for 24% of residential fires in metropolitan areas and were the leading cause of residential fires.

In 1972 a landmark study was commissioned to study the reasons that the rich and most technologically advanced nation in the world would lead all the major industrialized countries in per capita deaths and property loss from fire. It was written in 1974 and titled "America Burning." The study led to the establishment of the United States Fire Administration (USFA) and the National Fire Academy (NFA) and too many technological advances in firefighting equipment and data collection. Unfortunately many of the issues identified and presented in the document still persist 33 years after it was

written. The National Fire Protection Association in 1971 classified about twenty five percent of fires as unknown or incendiary. Twenty six percent of large loss school fires were classified as incendiary and forty four percent of large loss church losses were classified as incendiary.

In 1994, according to the National Fire Incident Reporting System (NFIRS), approximately 1/3 of all fires in the United States were classified as arson (incendiary or suspicious) making it the leading cause of fire. In comparison the second leading cause open flames only made up 12 percent of all fires.

Motivations for Firesetting

People set fires for varied and complex reasons. For criminals prosecuted for crimes where there is direct evidence, motive is often a secondary consideration and is not necessarily crucial for conviction. But because arson is a clandestine crime where witnesses are rare and some or most of the direct evidence burns in the fire, motive becomes a critical element in prosecuting firesetting cases.

The most common motives behind firesetting are:

- 1 Vandalism
- 2 Spite and revenge
- 3 Intimidation
- 4 Concealment of another crime
- 5 Economic motives, include insurance fraud, debt removal, direct monetary gain, elimination of unwanted ownership, land assembly for development, and removal

- of business competition
- 6 Civil disorder and hate related crime
- 7 Gang initiation
- 8 Excitement
- 9 Suicide
- 10 Murder

Spite and revenge has been ranked the leading motive behind incendiary fires. Because they are targeted at people and not just buildings or physical objects, these fires tend to be the most dangerous in terms of casualties. They are premeditated acts, committed by both adult and adolescent firesetters.

Juveniles account for 50-55% of arrests in intentionally set fires. Fires set for the sport of vandalizing property was ranked high as a motive, and juveniles are responsible for the majority of these. Additionally, juveniles participating in criminal gang activity often resort to violence to accomplish their goals. This violence stems from their objective to obtain power, control and “respect.”

Fire does not respect geographic boundaries and neither do arsonists. Modern life allows us to travel across jurisdictional boundaries between states in a matter of minutes. Southern California is served by seven major airports allowing easy access and convenience. The states of Arizona, Nevada, Oregon, Washington, Utah are accessible to California in less than ninety minutes by airplane.

The Federal Bureau of Investigation's Uniform Crime Reporting in 2004 indicates the conviction rate for arsonists is 17.1% nationwide. According to the United States Dept. of Justice, Bureau of Justice Statistics Sourcebook of 2003 collected data regarding recidivism from 15 states. Within three years of their prison releases, 57.7% of convicted arsonists were rearrested, 41.0% were reconvicted, and 38.7% returned to prison with or without a new prison sentence.

Currently only three states maintain Arson Registries. They are California, Illinois and Montana. Unfortunately in 2007, America is still burning.

The MATCH Act registry will provide stronger links among public safety agencies; links that are needed to reduce the incidence of arson, thus saving lives, property and the environment. The MATCH Act, will serve as a valuable tool to aid the men and women who serve in our fire and law enforcement agencies, and are engaged in the process of identifying, locating, apprehending, convicting and tracking these modern day criminal terrorist attempting to escape justice and who seek sanctuary across state lines.

Thank you for the opportunity to testify here today before the Subcommittee on Crime, Terrorism, and Homeland Security.